APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,271	03/18/2004	John A. Damm JR.	11KP-122959	7805

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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES, CA 90071-1448

EXAMINER
SANDERS, AARON J

ART UNIT	PAPER NUMBER
2168	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
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	10/804,271	DAMM, JOHN A.
Office Action Summary	Examiner	Art Unit	
	Aaron Sanders	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>21 May 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-18</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-18</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>07 September 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
      Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 21 May 2007 has been entered.

Specification

The disclosure is objected to because of the following informalities: It appears that the

word "renter" on pg. 2, line 20 of the instant specification should be spelled "reenter".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by StatTrak K-

ForCE 2.2 from AllPro Sports Software (hereinafter StatTrak).

As per claim 1-18, StatTrak teach:

1. A method of updating a spreadsheet-based cell having a value, the method comprising the steps of:

tapping on the cell (See e.g. 7.1, "Scoring balls and strikes is as easy as tapping on [*sic*] of the five pitch boxes" and Fig. 51);

automatically increasing the value of the cell by a predetermined increment each time the cell is tapped (See e.g. 7.1, "In addition, you can enter strikes with a tap and swipe up to indicate a foul ball, or a tap and swipe down to indicate a called strike. This leaves a tap and release indicating a swinging strike" and Fig. 51); and

recording a statistic of an athletic competition using the value of the cell (See e.g. 7.1, "Numbers appear in the boxes indicating the pitch count of each ball/strike" and Fig. 51).

2. The method of claim 1, wherein the step of tapping on the cell is performed by a person (See e.g. 7.1, "In addition, you can enter strikes with a tap and swipe up to indicate a foul ball, or a tap and swipe down to indicate a called strike").

3. The method of claim 1, wherein the step of tapping on the cell comprises the step of tapping on a touch screen using a stylus (See e.g. 8.0, "Much of the game can be scored without the use of the stylus" which shows that the previously cited "tapping" is performed with the stylus, and Fig. 51).

4. The method of claim 1, wherein the step of automatically increasing the value of the cell by a predetermined increment is performed by a computer (See e.g. 1.0, "K-ForCE is a baseball/softball scoring program for PocketPC").

5. The method of claim 4, wherein the computer is a handheld computer (See e.g. 1.0, "K-ForCE is a baseball/softball scoring program for PocketPC").

6. The method of claim 1, further comprising the step of automatically updating the value of other cells whose value depends upon the value of the cell (See e.g. "**Scoreboard**... A scoreboard is maintained and updated with runs, hits and errors, with an inning by inning total of runs").

7. A method of updating a spreadsheet-based cell having a cell-based drop-down list, the drop-down list including a plurality of alternative cell values, the method comprising the steps of:

tapping on the cell (See e.g. "**One Tap Scoring**... Many of the most often occuring plays are a single screen tap away");

automatically displaying the drop-down list in response to tapping on the cell (See e.g. "**Retained Team Information**... After that, select the player from a popup list" where the claimed "drop-down list" is the referenced "popup list", see Fig. 69);

tapping on one of the alternative cell values to select a new cell value (See e.g. "**Retained Team Information**... After that, select the player from a popup list" where Figs. 69-70 show changing from "18 – Jeff" to "55 – Juan"); and

automatically entering the new cell value into the cell (See e.g. "**Retained Team Information**... After that, select the player from a popup list" where Fig. 70 shows the new value, "(#55) Juan");

wherein the new cell value represents a new value of a player in an athletic competition (See e.g. "**Retained Team Information**... After that, select the player from a popup list" where Fig. 70 shows "(#55) Juan" as "Batter 3").

8. The method of claim 7, wherein the steps of tapping on the cell and tapping on one of

the alternative cell values are performed by a person (See e.g. "**Retained Team Information**...

You will only ever need to type in a batter's name and number in once").

9. The method of claim 7, wherein the steps of tapping on the cell and tapping on one of

the alternative cell values comprise the step of tapping on a touch screen using a stylus (See e.g.

8.0, "Much of the game can be scored without the use of the stylus" which shows that the

previously cited "tapping" is performed with the stylus, and Fig. 69).

10. The method of claim 7, wherein the steps of automatically displaying the drop-down

list and automatically entering the new cell value are performed by a computer (See e.g. 1.0, "K-

ForCE is a baseball/softball scoring program for PocketPC").

11. The method of claim 10, wherein the computer is a handheld computer (See e.g. 1.0,

"K-ForCE is a baseball/softball scoring program for PocketPC").

12. The method of claim 7, further comprising the step of automatically updating the

value of other cells whose value depends upon the value of the cell (See e.g. "**Scoreboard**... A

scoreboard is maintained and updated with runs, hits and errors, with an inning by inning total of

runs").

13. A method of updating a spreadsheet-based cell having a value, the method

comprising the steps of:

clicking on the cell (See e.g. 7.1, "Scoring balls and strikes is as easy as tapping on [*sic*]

of the five pitch boxes" and Fig. 51);

automatically increasing the value of the cell by a predetermined increment each time the

cell is clicked (See e.g. 7.1, "In addition, you can enter strikes with a tap and swipe up to indicate

a foul ball, or a tap and swipe down to indicate a called strike. This leaves a tap and release

indicating a swinging strike" and Fig. 51); and

recording a statistic of an athletic competition using the value of the cell (See e.g. 7.1,

"Numbers appear in the boxes indicating the pitch count of each ball/strike" and Fig. 51).

14. The method of claim 13, wherein the step of clicking on the cell is performed by a

person using a computer mouse or other pointing device (See e.g. 8.0, "Much of the game can be

scored without the use of the stylus" which shows that the previously cited "clicking" is

performed with the stylus, and Fig. 51).

15. The method of claim 13, wherein the step of automatically increasing the value of the

cell by a predetermined increment is performed by a personal computer or laptop (See e.g. 1.0,

"K-ForCE is a baseball/softball scoring program for PocketPC").

16. A method of updating a spreadsheet-based cell having a cell- based drop-down list,

the drop-down list including a plurality of alternative cell values, the method comprising the

steps of:

clicking on the cell (See e.g. **"One Tap Scoring**... Many of the most often occuring

plays are a single screen tap away");

automatically displaying the drop-down list in response to clicking on the cell (See e.g.

"Retained Team Information... After that, select the player from a popup list" where the

claimed "drop-down list" is the referenced "popup list", see Fig. 69);

clicking on one of the alternative cell values to select a new cell value (See e.g.

"Retained Team Information... After that, select the player from a popup list" where Figs. 69-

70 show changing from "18 – Jeff" to "55 – Juan"); and

automatically entering the new cell value into the cell (See e.g. **"Retained Team Information**... After that, select the player from a popup list" where Fig. 70 shows the new value, "(#55) Juan");

wherein the new cell value represents a new rating of a player in an athletic competition (See e.g. **"Retained Team Information**... After that, select the player from a popup list" where Fig. 70 shows "(#55) Juan" as "Batter 3").

17. The method of claim 16, wherein the steps of clicking on the cell and clicking on one of the alternative cell values are performed by a person using a computer mouse or other pointing device (See e.g. 8.0, "Much of the game can be scored without the use of the stylus" which shows that the previously cited "clicking" is performed with the stylus, and Fig. 69).

18. The method of claim 16, wherein the steps of automatically displaying the drop-down list and automatically entering the new cell value are performed by a personal computer or laptop (See e.g. 1.0, "K-ForCE is a baseball/softball scoring program for PocketPC").

Response to Arguments

Applicant's arguments with respect to Johnson, U.S. 5,721,847 have been considered but are moot in view of the new ground(s) of rejection.

As per Applicant's argument that StatTrak does not teach tapping/clicking on a spreadsheet-based cell and automatically increasing the value of the cell by a predetermined increment each time the cell is tapped, the Examiner respectfully disagrees. The Examiner has cited 7.1, "Scoring balls and strikes is as easy as tapping on [*sic*] of the five pitch boxes... In addition, you can enter strikes with a tap and swipe up to indicate a foul ball, or a tap and swipe

down to indicate a called strike. This leaves a tap and release indicating a swinging strike" and

Fig. 51, which show the claimed features.

As per Applicant's argument that StatTrak does not teach tapping/clicking on a cell and

automatically displaying a drop-down list in response to tapping/clicking on the cell, tapping on

one of the alternative cell values to select a new cell value, and automatically entering the new

cell value into the cell, the Examiner respectfully disagrees. The Examiner has cited "**One Tap**

Scoring... Many of the most often occuring plays are a single screen tap away", "**Retained**

Team Information... After that, select the player from a popup list" where the claimed "drop-

down list" is the referenced "popup list", and Figs. 69-70, which show the claimed features.

Conclusion

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Aaron Sanders whose telephone number is 571-270-1016. The

Examiner can normally be reached on M-Th 8:00a-5:00p.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AJS/
Aaron J. Sanders
Examiner
26 July 2007

TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100